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August 17, 2015

VIA ECF

Hon. Debra C. Freeman
United States Magistrate Judge
Southern District of New York
500 Pearl St.
New York, NY 10007

Harvey H. Jay v. Spectrum Brands Holdings, Inc., et al. No. 1:13-cv-8137(LTS)(DCF)

Dear Judge Freeman:

In accordance with Your Honor's direction during the Case Management Conference held via telephone on August 6, 2015, the parties hereby jointly and respectfully submit this letter summarizing Your Honor's directions regarding outstanding discovery matters in this proceeding.

First, the parties will meet and confer to address Plaintiff's concerns that Defendants' 30(b)(6) witnesses were not prepared to testify as to certain topics during their depositions. The parties will work together to reach an agreement resolving this issue. However, if no agreement is reached, the parties will separately write to Your Honor to explain the parties' respective positions, and will attach copies of the relevant deposition transcripts for Your Honor's reference.

Second, Defendants may proceed with depositions of Plaintiff's patent counsel.

Third, any additional discovery sought by Plaintiff from witnesses in possession of information that Defendants have designated under the Protective Order, must wait until the Court rules on Defendants' Motion for Sanctions.

Fourth, the current deadlines for fact discovery, expert reports and discovery, and the filing of the Joint Preliminary trial report are postponed pending rescheduling after the Court's decision on Defendants' Motion for Sanctions.

Respectfully submitted,

Dated: August 17, 2015

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